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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,571	08/26/2003	Rafael J. Cobo	CE11849JME	5950
7590	12/13/2005			
Larry G. Brown Motorola, Inc. Law Department 8000 West Sunrise Boulevard Fort Lauderdale, FL 33322			EXAMINER MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/649,571	COBO ET AL.	
	Examiner	Art Unit	
	Victor MacArthur	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 20-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-15 and 20-22, drawn to locking mechanism, classified in class 403, subclass 348.
- II. Claims 16-19, drawn to process for using a locking mechanism, classified in class 29, subclass 428.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product disclosed in claims 1-15 and 20-22 could be used in a process other than the process for using a locking mechanism disclosed in claims 16-19; for instance, a process including the step of inserting a first projection and second projection of the plate into a first slot and a second slot of the base of a lamp (i.e. rather than the base of a carrying case).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Larry Brown on 12/5/2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-15 and 20-22.

Affirmation of this election must be made by applicant in replying to this Office action. Claims

Art Unit: 3679

16-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Applicant is advised that should claim 1 be found allowable, claim 21 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Similarly, should claim 2 be found allowable, claim 22 will be objected to. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording,

Art Unit: 3679

it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Objections

Claims 3, 1 and 20 are objected to because of the following informalities:

- The limitations of claim 3 are redundant since they were previously set forth in claim 1, from which claim 3 depends. Therefore, claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claims to place claim 3 in proper dependent form, or rewrite the claims in independent form.
- The limitation “said tabs” (line 3 of claim 11) lacks proper antecedent basis and should be replaced with “said at least one tab”.
- The claims are objected to as failing to comply with 37 CFR 1.75(g) because the least restrictive claim, claim 20, is not presented as claim number 1. Applicant is required to amend the claims such that claim 1 is the least restrictive or cancel claims 1-19.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3679

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 13-15 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Inui (U.S. Patent 5,167,465).

Claim 1. Inui discloses (fig.1) a locking mechanism, comprising: a plate (2) having a first projection (7), a second projection (8) and a first surface area (3) for receiving a decorative image; and a base (1) having a first slot (11) and a second slot (14), wherein said first slot runs at least substantially along a first axis (axis of 11) that is at a predetermined angle (90 degrees) with respect to a vertical axis (axis of 1 that is 90 degrees from axis of 11) of said base; wherein said first slot and said second slot detachably receive said first projection when said plate is in a first position (open position), wherein said first slot locks said first projection and said second slot locks said second projection when said plate is in a second position (locked position) such that said plate is detachably coupled to said base.

Claim 2. Inui discloses the mechanism according to claim 1, wherein at least a portion of said second slot (portion of 14 perpendicular to 11) runs at least substantially along a second axis (axis of 14 perpendicular from 11) that is at least substantially perpendicular to said first axis

Claim 3. Inui discloses the mechanism according to claim 1, wherein said first slot and said second slot further lock said first projection and said second projection as said plate is turned from said first position to said second position.

Claim 4. Inui discloses the mechanism according to claim 1, wherein said first slot and said second slot unlock said first projection and said second projection when said plate is

Art Unit: 3679

returned from said second position to said first position, wherein said plate is removable from said base when said plate is in said first position.

Claim 5. Inui discloses the mechanism according to claim 1, wherein said first projection has a center portion (5) that is at least substantially circular and at least one wing (wings of 7) that is attached to and projects away from said center portion.

Claim 6. Inui discloses the mechanism according to claim 5, wherein said first slot includes at least one arc (arc portion of 11) that engages said center portion of said first projection and at least one extension (portions of 11 that receive wings of 7) that receives said wings of said first projection.

Claim 7. Inui discloses the mechanism according to claim 6, wherein said first slot further includes at least one ledge (ledge portions of 11 contacting wings of 7 as they rotate) and said ledges engage said wings as said plate is turned and stops at said second position.

Claim 8. Inui discloses the mechanism according to claim 1, wherein said second projection includes a first segment (8a) and a second segment (top of 8) that is attached to said first segment, wherein said first segment is attached to and rises above a second surface area (flat end surface area of 2) of said plate and said second segment is at least substantially parallel with said second surface area.

Claim 9. Inui discloses the mechanism according to claim 8, wherein said second slot includes a protrusion (14a) and wherein said first and second segments engage said protrusion as said plate is turned from said first position to said second position and disengage said protrusion when said plate is in said first position.

Art Unit: 3679

Claim 10. Inui discloses the mechanism according to claim 9, wherein said second slot further includes an arc (15b), wherein at least a portion of said first segment slides along said arc as said plate is turned from said first position to said second position and from said second position to said first position.

Claim 13. Inui discloses the mechanism according to claim 1, wherein said plate includes a horizontal axis (any horizontal axis of 2) and said base includes a horizontal axis (horizontal axis of 1 that is parallel to that of 2 in the second position), wherein said horizontal axis of said plate is at a predetermined angle (90 degrees) with respect to said horizontal axis of said base when said plate is in said first position and said horizontal axis of said plate is at least substantially parallel with said horizontal axis of said base when said plate is in said second position.

Claim 14. Inui discloses (fig.1) a plate (2) for a carrying case, comprising: a first surface area (area of 2 receiving 1); a second surface area (outer cylindrical surface area of 2) for receiving a decorative image; a first projection (7); and a second projection (8), said first and second projections being disposed on said first surface area; wherein said first and second projections are received by first (11) and second (14, 15) slots of a base (1) when said plate is in a first position (open position), wherein said first and second projections are engaged by the first and second slots as said plate is turned to and stops at a second position (locked position), said plate couples to the base when said first and second projections engage the first and second slots and said plate decouples from the base when said plate is in the first position.

Claim 15. Inui discloses (fig.1) a base (1) of a carrying case, comprising: a first slot (11); and a second slot (14, 15), wherein said second slot includes a protrusion (14a); wherein said

Art Unit: 3679

first and second slots receive a first projection (7) and a second projection (8) of a plate when the plate is in a first position (open position) and said first and second slots engage the first and second projections as the plate is turned to and stops at a second position (locked position), wherein the plate couples to said base when said first and second slots engage the first and second projections and the plate decouples from said base when the plate is in the first position.

Claim 20. Inui discloses (fig.1) a locking mechanism, comprising: a plate (2) having a first projection (7), a second projection (8) and a first surface area (outer cylindrical surface of 2) for receiving a decorative image; and a base (1) having a first slot (11) and a second slot (14, 15); wherein said first slot and said second slot detachably receive said first projection when said plate is in a first position (open position), wherein said first slot locks said first projection and said second slot locks said second projection when said plate is in a second position (locked position) such that said plate is detachably coupled to said base.

Claim 21. The locking mechanism according to claim 20, wherein said first slot runs at least substantially along a first axis (any axis running through 11) that is at a predetermined angle with respect to a vertical axis of said base.

Claim 22. The locking mechanism according to claim 21, wherein at least a portion of said second slot runs at least substantially along a second axis (any axis running through 14 that is perpendicular to first axis) that is at least substantially perpendicular to said first axis.

Claims 1, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Humble (U.S. Patent 4,299,870).

Art Unit: 3679

Claim 1. Humble discloses (figs.1-4) a locking mechanism, comprising: a plate (11) having a first projection (47), a second projection (43) and a first surface area (surface area 11 opposite that of 47a) for receiving a decorative image; and a base (12) having a first slot (46) and a second slot (49), wherein said first slot runs at least substantially along a first axis (axis bisecting 46 from left to right) that is at a predetermined angle (90 degrees) with respect to a vertical axis (axis bisecting 12 from top to bottom) of said base; wherein said first slot and said second slot detachably receive said first projection when said plate is in a first position (open position), wherein said first slot locks said first projection and said second slot locks said second projection when said plate is in a second position (locked position) such that said plate is detachably coupled to said base.

Claim 11. Humble discloses the mechanism according to claim 1, further comprising a support unit (22), wherein said base further includes at least one tab (23) and said support unit includes at least one slot (24) for receiving and engaging said at least one tab of said base.

Claim 12. Humble discloses the mechanism according to claim 11, wherein said support unit is positioned against an inside surface of a portion of a carrying case (30), wherein said base is positioned against an outside surface of the carrying case when said slots of said support unit engage said tabs of said base.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to locking mechanism:

Hirano U.S. Patent 3,853,414

Lascarrou U.S. Patent 4,009,507

Pfaffinger U.S. Patent 5,368,427

Rumpp U.S. Patent 6,302,617

Swan U.S. Patent 6,698,300

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3679

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



VLM

December 6, 2005



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